



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7994 of 2022

V.Ashok Kumar

... Petitioner

Vs.

The State Rep by
The Assistant Commissioner of Police,
Job Racket Wing, Central Crime Branch,
Vepery, Chennai - 600 007.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to issue a direction to the Hon'ble Trial Court to dispose of the Crl.M.P.No.2179 of 2022 by returning the passport of the petitioner bearing No.L2943555, under the custody of the Hon'ble Special Court for Exclusive Trial of cases relating to Members of Parliament and Members of Legislative Assembly of Tamil Nadu, Chennai.

For Petitioner : Mr.N.Bharanikumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to issue a direction to the trial Court to dispose of Crl.M.P.No.2179 of 2022 by returning the Passport of the petitioner bearing No.L2943555 under the custody of the Special Court for Exclusive Trial of cases relating to Members of Parliament and Members of Legislative Assembly of Tamil Nadu, Chennai.

2. The learned counsel appearing for the petitioner would submit that the petitioner apprehending arrest in Crime No.441 of 2015 registered by the respondent Police, had approached this Court in Crl.O.P.No.2278 of 2020 seeking anticipatory bail and this Court, by order dated 07.02.2020, had granted anticipatory bail to the petitioner. At the time of granting anticipatory bail, this Court has imposed a condition directing the petitioner to surrender his Passport before the learned



Magistrate concerned under written acknowledgement. The petitioner in due compliance of the order surrender before the Court and executed the sale deed and surrendered the passport before the concerned Court. Subsequently, the petitioner has also appeared before the respondent/Police for enquiry and later, he also co-operated for the investigation. The respondent, after completion of investigation, filed the final report and stated that the petitioner has not been arrayed as an accused. In such circumstances, finding that the Passport of the petitioner is no more required to be held by the Court, the learned trial Judge had returned the petition stating that the Passport has been surrendered, pursuant to the order passed by this Court and the petitioner has to approach only this Court, thereby, the present petition has been filed seeking for a direction to the learned trial Judge to return the Passport to the petitioner.

3.The respondent has filed status report and in the status report, it is stated that the final report has been filed and totally 47 persons have been arrayed accused and the petitioner is not an accused in the case.

4.The learned Additional Public Prosecutor would submit that the petitioner is not an accused in this case and his Passport is no more required to be with held.

5.In view of the above submissions made taking into consideration the status report of the respondent and as it is stated that the petitioner is not an accused in this case, the requirement of Passport with held by the Court, is not necessary. Hence, this Criminal Original Petition is disposed of, with a direction to the learned trial Judge to return the Passport to the petitioner on filing proper application. The trial Judge shall consider the application filed by the petitioner and return the passport to him forthwith.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vkr/nti
To

1.The Special Judge for Exclusive Trial
of cases relating to Members of Parliament
and Members of Legislative Assembly
of Tamil Nadu, Chennai.



+2cc to Mr.N.Bharanikumar, Advocate Sr.24829
+1cc to the Public Prosecutor, Sr.25546

srg 13/04/2022